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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,405	01/30/2002	Yutaka Tominaga	05711.0138	4788

7590 11/19/2003

Finnegan, Henderson, Farabow,  
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Washington, DC 20005-3315

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/058,405

Applicant(s)

TOMINAGA ET AL.

Examiner

James R. Brittain

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3677

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I, comprising claims 1-5, in Paper No. 3 is acknowledged.

Claims 6-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-129502 in view of Yoshida et al. (US 4651389).

Japanese publication 4-129502 (figures 1, 3, and 4-6) teaches a slide fastener, wherein a reinforcement member 9A is bonded to a fastener tape 3 along both outer sides of a fastener chain 16. The difference is that there is no apparent thermal welding film used to bond the reinforcement member continuously with the fastener tape. However, Yoshida et al. (figures 1-3) teaches slide fastener structure wherein a reinforcement member 11 is bonded to a fastener tape 3 at the end of both outer sides of a fastener chain and the bonding is accomplished by a bonding layer 12, which is made of a synthetic resin film having a low melting point (col. 3, lines 3-16) so as to

form a superior weld. The bonding layer comprising the film 12 extends over the entire longitudinal extent of the reinforcement member 11. As it would be beneficial to improve the securement of the reinforcement member of Japanese publication 4-129502 to the fastener tape, it would have been obvious to modify the slide fastener of Japanese publication 4-129502 so as to utilize a thermal welding film to secure the reinforcement member with the tape in view Yoshida et al. (figures 1-3) teaching slide fastener structure wherein a reinforcement member 11 is bonded to a fastener tape 3 at the end of both outer sides of a fastener chain and the bonding is accomplished by a bonding layer 12, which is made of a synthetic resin film having a low melting point so as to form a superior weld, and the bonding layer comprising the film 12 extends over the entire longitudinal extent of the reinforcement member 11.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-129502 in view of Yoshida et al. (US 4651389) as applied to claim 1 above, and further in view of Dyke (US 3443671).

Further modification of the fastener of JP 4-129502 so that the reinforcement member includes a cutout portion provided in a rear face thereof so as to bond the fastener tape would have been obvious in view of Dyke (figures 66, 67) teaching that it is desirable to provide guard strips 144 that inherently provide a measure of reinforcement through the guarding function wherein the edge of the guard strip distal the zipper teeth clearly contacts the case so as to define a cutout in the rear face of the guard strip within which the fastener tape is nested so as to provide easier alignment of

Art Unit: 3677

the tape with the guard strip and to prevent dirt from accumulating against the outer edges of the fastener tape.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-129502 in view of Yoshida et al. (US 4651389) as applied to claim 1 above, and further in view of Perez, II (US 5813094).

Further modification of the fastener of JP 4-129502 so that the rear face of the reinforcement member is a flat bonding face would have been obvious in view of Perez, II (figure 7) teaching that it is desirable to have the rear face of the reinforcement member 45 defined completely by a flat bonding face (col. 6, line 57 - col. 7, line 10) so as to have a simpler securement structure.

### ***Response to Arguments***

Applicant's arguments filed July 14, 2003 have been fully considered but they are not persuasive. Applicant argues that Yoshida et al. fails to disclose or suggest any reinforcing member along the outer side portions of the fastener tape. In response it is noted that the primary reference JP 4-129502 is utilized for this structure. Further, Yoshida et al. does teach the use of a slide fastener structure wherein a reinforcement member 11 is bonded to a fastener tape 3 at the end of both outer sides of a fastener chain and the bonding is accomplished by a bonding layer 12, which is made of a synthetic resin film having a low melting point (col. 3, lines 3-16) so as to form a superior weld. This is a strong teaching in the same of endeavor of the desirability of better securing the reinforcing member 11 that does extend longitudinally by a bonding layer. The argument is unpersuasive.

Art Unit: 3677

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

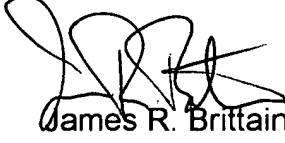
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Application/Control Number: 10/058,405

Page 6

Art Unit: 3677

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB